

מִצְוֹת  
עֲשֵׂה

#246

 We learn this mitzvah from Parshas Mishpatim: (שמות כ"ב:ח)

עַל כָּל דְּבַר פְּשֵׁעַ וְגוֹ'  
אֲשֶׁר יֵאמַר כִּי הוּא זֶה

We are learning the same *mitzvah* again in *Sefer Hamitzvos*, that the *Beis Din* needs to *pasken* according to *halacha* in a question about money.



The details of this mitzvah are explained in Mishnayos & Gemara:

Mesechta Bava Kama perek Gimmel, beginning of Mesechta Bava Metziah, and Mesechta Shevuos perakim Hey, Vov, and Zayin. Many questions about this are in places all over Gemara.

## Rambam: Hilchos To'ein Venit'an

### PEREK ZAYIN

We are learning *halachos* about when two people disagree in *Beis Din* about what belongs to them.

One *halacha* in this *perek* is that if someone says something in *Beis Din*, he can't change his mind and say he was joking.

### PEREK CHES

Usually, the *halacha* is that we assume that whatever a person has belongs to him. If another person says the opposite, that person would need to prove that it really belongs to him. But for something that is usually rented, the *halacha* is different. So let's say that Reuven usually rents out his lawn mower, and people know he does. Now Shimon has it in his house and says that Reuven gave it to him! Reuven is allowed to make a *Shevuas Heses* (a promise *Miderabanan*) saying that he didn't give it to Shimon, and then he can take it back.

### PEREK TES

We learn the *halacha* if two people are holding onto something, and both of them say it belongs to them. (In *Mishnayos*, this is called "*Shnayim Ochazin B'Tallis*," "Two people are holding on to a *tallis*.") Both people need to take a *shevuah*, a strong Torah promise, that it belongs to them, and then the *Beis Din* splits it (or how much it is worth) between both of them.

*Chassidus teaches that in Ruchnius this is talking about two people who say that a certain mitzvah was done because of them. (Like if a teacher and a student both want to say it was THEIR mitzvah that the student had hatzlacha in learning.) Each person needs to make a promise to say how hard they really worked on this mitzvah, and that's how much of the mitzvah they get.*